

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

IN THE MATTER OF THE COMPLAINT *	CIVIL ACTION NO. 20-3939
OF OIL MOP LLC d/b/a OMI *	
ENVIRONMENTAL SOLUTIONS, *	
OWNER OF MOTORBOAT, HULL ID. *	ADMIRALTY
NO. HK044186J808 *	
PETITIONING FOR EXONERATION *	
FROM OR LIMITATION OF LIABILITY *	Pursuant to Rule 9(h) of the
	Federal Rules of Civil Procedure
*****	

**VERIFIED COMPLAINT AND PETITION FOR  
EXONERATION FROM OR LIMITATION OF LIABILITY**

COMES NOW OIL MOP LLC d/b/a OMI ENVIRONMENTAL SOLUTIONS, Petitioner and Owner of the Motorboat, Hull Id. Number of HK044186J808, files this Complaint and Petition for Exoneration From or Limitation of Liability, and would show unto this Honorable Court the following:

**I.**

**Vessel Owner**

1. Oil Mop LLC d/b/a OMI Environmental Solutions ("Oil Mop"), as owner of the Motorboat, Hull Id. Number of HK044186J808, has brought this action for exoneration from or limitation of liability, civil and maritime, within the meaning of 46 U.S.C. § 30501 *et seq.*, Supplemental Rule F of the Federal Rules of Civil Procedure, and pursuant to the Federal laws and rules governing Admiralty and Maritime Claims.
2. At all times pertinent hereto, Oil Mop, was and is a limited partnership organized and existing under the law of the State of Texas. Petitioner was at all times material hereto the owner of the Motorboat, Hull Id. Number of HK044186J808.
3. At all times hereto the Motorboat, Hull Id. Number of HK044186J808 was an aluminum

hull motorboat, with a length of thirty feet.

4. At all times hereto the Motorboat, Hull Id. Number of HK044186J808 vessel of the United States and was tight, staunch, strong, fully and properly manned, equipped, supplied, and in all respects seaworthy and fit for the service in which it was engaged.

5. Venue is proper in this Court.

## II.

### **Background/Facts/Voyage**

6. Mr. Gary Jones was injured on or about October 15, 2019 while aboard the Motorboat, Hull Id. Number of HK044186J808, which was located in Saint Simon Sound, Georgia at the time of the incident.

7. At said time or place Mr. Gary Jones worked on the Motorboat, Hull Id. Number of HK044186J808 when a battery exploded in the battery hatch of the vessel, causing Plaintiff to allegedly suffer injuries to his foot, ankle, back, neck and other parts of his body.

8. On information and belief, at all material times, Mr. Gary Jones was a resident of Texas.

9. The Motorboat, Hull Id. Number of HK044186J808 has not been attached or arrested in any suit brought in connection with a claim arising out of the aforementioned incident.

10. Gary Jones has filed suit against Oil Mop in 125<sup>th</sup> Judicial District Court in Harris County, Texas.

11. The aforesaid incident and resulting loss, damage, and injury, if any, was neither caused nor contributed to by any fault or neglect on the part of Oil Mop, nor anyone for whose acts Oil Mop is or may be responsible. Rather, the incident was caused solely by the fault and/or neglect of parties and/or vessels for whose actions Oil Mop is not responsible and/or by conditions for which Oil Mop is not responsible.

12. Oil Mop denies that it or the Motorboat, Hull Id. Number of HK044186J808, or any other persons or property for whom or for which Oil Mop may be responsible, are liable to any extent. Oil Mop specifically denies any and all liability for any claims for loss, damage, injury, or destruction occasioned by or resulting from the matters and happenings recited above and aver that it has a valid defense to any such claims. Oil Mop contests its liability for any such claims and further avers that it is entitled to a decree exonerating it from liability.

13. Oil Mop would further show that any and all aforementioned losses, damages, or injuries were occasioned and incurred without fault on the part of Oil Mop and without Oil Mop's privity or knowledge. Should this Honorable Court, however, adjudge that Oil Mop is liable to any extent, then Oil Mop claims the benefits of the Limitation of Liability Act, set forth in Sections 30501 through 30512 of Title 46 of the United States Code, and of all statutes amendatory thereof and supplementary thereto.

### **III.**

#### **Value of Vessel/Surety**

14. At the termination of the voyage aforesaid, the value of the Motorboat, Hull Id. Number of HK044186J808 and any pending freight did not exceed Fifty-Three Thousand Dollars (\$53,000.00). The Motorboat, Hull Id. Number of HK044186J808, as evidenced by the Affidavit of Value as Exhibit "A" and Valuation Survey attached as Exhibit "B", was Fifty-Three Thousand Dollars (\$53,000.00). Oil Mop avers that the amount of the damages and/or claims herein above described and all other possible claims against Oil Mop, and the Motorboat, Hull Id. Number of HK044186J808 may possibly exceed the amount or value of Oil Mop's interest in the Motorboat, Hull Id. Number of HK044186J808 and any pending freight, the combined value of which was Fifty-Three Thousand Dollars (\$53,000.00).

15. Oil Mop offers and files contemporaneously herewith a Stipulation of Value and Letter of Undertaking ("LOU") for the deposit into this Honorable Court of the aggregate amount of Oil Mop's interest in the Motorboat, Hull Id. Number of HK044186J808 at the termination of her voyage as aforesaid, with interest at the rate of six percent (6%) per annum from the date of the deposit of the Surety as may be ascertained and determined to be necessary under any orders of this Honorable Court.

16. Oil Mop avers that there are no unsatisfied liens or claims of liens, in contract or in tort, arising on the voyage referred to above, so far as is known to Oil Mop.

17. Oil Mop, as owner of the Motorboat, Hull Id. Number of HK044186J808, claims exoneration and exemption from liability for any and all claims for damages or losses occasioned or incurred, or alleged to have been occasioned or incurred, by reason of the aforementioned occurrence. Oil Mop further avers that it has valid defenses to the merits of any and all such claims. Oil Mop specifically claims the benefits of the Limitation of Liability Act, as set forth in Sections 30501 through 30512 of Title 46 of the United States Code and all statutes amendatory thereof and supplementary thereto. Oil Mop further specifically avers that this Complaint for Exoneration from and/or Limitation of Liability asserted herein is filed not only on its behalf, but also on behalf of its liability underwriters, which shall be entitled to exoneration from and/or limitation of liability to the same extent as Oil Mop, and whose liability, if any, shall accordingly not exceed Oil Mop's liability, if any.

#### **IV.**

#### **Prayer**

WHEREFORE, PREMISES CONSIDERED, Petitioner prays as follows:

a. That this Honorable Court enter an Order approving as to quantum, form and surety, the

Letter of Undertaking filed by Oil Mop herein in the amount of Fifty-Three Thousand Dollars (\$53,000.00), with six (6%) percent per annum interest from the date of such Stipulation, pending any appraisal as may be ordered by the Court of the amount of Oil Mop's interest in said vessel and its pending freight;

b. That, upon the filing of the foregoing Security, Stipulation of Value, Letter of Undertaking, Affidavit of Value and Valuation Survey, this Court enter an Order issuing an injunction enjoining and restraining the commencement or prosecution of any and all actions, suits or legal proceedings of any kind against Oil Mop and its insurers and underwriters, or against the Motorboat, Hull Id. Number of HK044186J808 or any other property owned by Oil Mop, other than in these proceedings;

c. That the Court enter an Order to cause a Notice to be issued to all persons, firms and corporations having or alleging to have claims by reasons of the matters and happenings recited in the above and foregoing Complaint, admonishing them to appear and file their claims with the Clerk of this Honorable Court, on or before a date to be fixed by the Court and as specified in the Notice, or be forever barred and permanently enjoined from making and filing any such claims, and also to answer, all and singular, the premises of this Complaint;

d. That the Court adjudge that Oil Mop, its insurers and underwriters, and/or the Motorboat, Hull Id. Number of HK044186J808, are not liable for any damages, demands, or claims whatsoever in consequence of, or arising out of, or otherwise connected with the matters and happenings recited in the above and foregoing Complaint;

e. That, in the alternative, if this Court should adjudge that Oil Mop, or its insurers or underwriters, are liable to any extent in the premises of the foregoing Complaint, the Court then adjudge that the liability of Oil Mop and its insurers or underwriters shall be limited to the amount

of their interest in the Motorboat, Hull Id. Number of HK044186J808 and its pending freight, if any, at the time of the incident aforesaid; and in such event, the amount representing the value of Oil Mop's interest in the Motorboat, Hull Id. Number of HK044186J808, shall be divided pro rate among the claimants having made due proof of their respective claims; and that a decree be entered discharging Oil Mop and its insurers or underwriters of and from any and all further liability, and forever enjoining and restraining the filing and prosecution of any claims or suits against Oil Mop its insurers or underwriters, in consequence of, arising out of, or connected with the matters and happenings recited in the above and foregoing Complaint; and

f. That Oil Mop may have such other and further relief in the premises as may be just and proper.

Respectfully submitted,

STEPP & SULLIVAN, P.C.

Jad J. Stepp

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**ATTORNEYS FOR DEFENDANT  
OIL MOP LLC d/b/a OMI  
ENVIRONMENTAL SOLUTIONS**

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that I am a member of Stepp & Sullivan, P.C., and that a true and correct copy of the foregoing document was served on counsel of record as noted below on this, the 19<sup>th</sup> day of November 2020.

**Via ECF**

Marcus R. Spagnoletti  
Eric J. Rhine  
SPAGNOLETTI & CO.  
401 Louisiana Street, 8<sup>th</sup> Floor  
Houston, Texas 77002

/s/ Jad J. Stepp  
Jad J. Stepp